



House Foreign Affairs Committee
Tom Lantos Human Rights Commission

Hearing
on
PROTESTS IN COLOMBIA

July 1, 2021 – 1:00 p.m.
Virtual via Cisco WebEx

STATEMENT SUBMITTED FOR THE RECORD

Submitted on behalf of:

Campaña Defender La Libertad – Asunto de todos

Bogota, Colombia

1) Context after the lifting of the strike and the approach to the front lines.

On June 15, 2021, the National Strike Committee in Colombia called for the suspension of the days of protest, due to the absence of guarantees for social protest that the national government failed to assume with its refusal to sign the pre-agreement on guarantees reached on May 24¹. Despite this, the days of protest did not stop and human rights violations continued; from June 16 to June 28, 2021, 118 detentions were recorded, many of which were done in an arbitrary manner applying indiscriminately the figure of 'transfer for protection' followed by torture, and cruel, inhuman and degrading treatment. An additional 91 instances of abuse of power and authority, as well as aggressions and police violence were reported, added to a permanent campaign of stigmatization and unjustified accusations towards the youth, in particular the front-liners.

The emergence of the front lines in Colombia was due in large part to the example of the Chilean front lines in the mobilizations that occurred in 2019, largely composed of groups of young people who organized and confronted the police in order to protect the continuity of the mobilizations and the integrity of the people who participated in the social protests. In Colombia, the front lines have been organized by localities, neighborhoods, municipalities and cities with the same purpose: to defend the integrity of those who are mobilizing in the framework of the National Strike. The front lines are mainly made up of young people from popular sectors of the city in socioeconomically vulnerable conditions, and even living on the street. They organize without specific leadership, ideologies or parties, but they recognize that they have been excluded from politics and decision-making in the country.

¹ <https://www.portafolio.co/mas-contente/comite-del-paro-anuncia-interrupcion-temporal-de-las-movilizaciones-552959>

The National Government and the local mayors have pointed to the young people on the front lines as violent and promoters of vandalism, and in the last week, they have even been pointed out as being responsible for the death of the motorcyclist Cristian Vélez on the night of June 25² in the vicinity of the Americas Portal in Bogotá. The mayor of the city, Claudia López, made assertions³ against the Front Line of Suba, stating that said group would attack the Transmilenio stations in the area, thereby positioning the stigmatization of these popular processes in public opinion and opening the door to possible detentions, harassment and prosecutions.

In addition to symbolic violence, young people on the front line have been victims of recurrent police violence, with tear gas thrown directly at their bodies and heads, stones thrown at them by the security forces, arbitrary detentions and permanent harassment.

2) New abuses committed since the strike was lifted

Murders

From June 16 to June 28, within the context of the National Strike that continued through its 62nd day, the following 7 murders related to social protest were registered, 4 of them were allegedly committed by ESMAD, and 3 by unidentified civilians:

- 1. Juan David Montenegro Muñoz - June 17, 2021.** On June 17, 2021 at 4:30 pm Juan left his house, which was close to the disturbances that occurred in the Paso del Comercio in the city of Cali, Valle del Cauca. The protesters claim that the police fired at the young man⁴.
- 2. Santiago Ochoa - June 18, 2021.** On June 18, 2021, in Aguacalara, located in the municipality of Tuluá, Valle del Cauca, a dead person was found inside a black bag, decapitated and with grave signs of torture. The young man was identified by [the office of] Forensic Medicine as Santiago Ochoa, who had been reported as detained and belonged to the Tuluá front line⁵.
- 3. Eloy Alejandro Mata Díaz - June 18, 2021.** On June 18, 2021, at 6:37 pm at the Bridge of a Thousand Struggles located in the city of Cali, Valle del Cauca, Eloy was killed by an unidentified assailant⁶.

² <https://noticias.caracol.tv/bogota/video-muestra-como-por-cuerda-puesta-por-vandalos-motociclista-pierde-la-vida-en-portal-americas>

³ <https://www.elespectador.com/bogota/claudia-lopez-denounced-threats-against-transmilenio-and-its-passengers/>

⁴ <https://www.eltiempo.com/colombia/cali/dolor-por-la-muerte-de-otro-joven-en-el-paso-de-comercio-de-cali-596890>

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<https://www.elespectador.com/colombia/cali/cabeza-hallada-en-tulua-pertenece-a-joven-identificado-como-santiago-ochoa/>

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<https://twitter.com/SuyanaCorp/status/1406032545536524288?s=1001>

4. **Lucelia Solarte - June 20, 2021.** On June 20, 2021, in the municipality of Manaure, Cesar, it is believed Lucelia died as a result of a stray bullet allegedly fired by the police in the midst of protests by civilians. She was a candidate for the municipal council on behalf of the MAIS movement ⁷.
5. **Jaime Alonso Fandiño Ariza - June 21, 2021.** On June 21, 2021, in the locality of Usme in Bogotá, Jaime was hit in the chest by tear gas allegedly fired by ESMAD. Later he was transferred to the CAMI of Santa Librada where he died of pneumothorax trauma⁸.
6. **Cristian David Castillo - June 23, 2021.** On June 23, 2021, at 00:10 am in the locality of Suba in Bogotá, Cristian received an impact injury to the head from tear gas allegedly fired by ESMAD. The ambulance took 20 minutes to arrive despite being told that the situation was life-threatening; he was transferred to Suba Hospital, where he died⁹.
7. **Cristhian Camilo Vélez - June 25, 2021.** On June 25, 2021, at the intersection of Avenida Cali with 46B South street in Bogotá, Cristhian died after suffering from an accident with a cable installed on the road by unidentified people blocking the sector¹⁰.

People injured by firearms

In the context of the social protests, in addition to the murders resulting from the use of firearms, the following attacks with said weapons were registered:

1. **Seven (7) unidentified people - June 21, 2021.** On June 21, 2021, at the site of Puerto Resistencia in the city of Cali, Valle de Cauca, 7 people were wounded by firearms¹¹.
2. **Unidentified minor, eight (8) years old - June 21, 2021.** On June 21, 2021, at 9:30 pm at Puerto Resistencia in the city of Cali, Valle del Cauca, an unidentified eight-year-old boy was injured by a firearm allegedly fired by the police¹².
3. **Deivi - June 21, 2021.** On June 21, 2021, at 9:00 pm at the place known as the Bomba de Amparo in the city of Cartagena, Bolívar, a person identified as Deivi suffered a gunshot wound. The shot was allegedly fired by a police officer who was shooting at protesters¹³.

Since the beginning of the National Strike, we have registered 1,788 people wounded, 257 of them between June 16 and June 28. The injuries include direct hits to the body and head from

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<https://www.telesurtv.net/news/colombia-asesinan-dos-lideres-sociales-20210621-0033.html>

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<https://defenderlalibertad.com/comunicado-publico-paronacional21j/>

⁹

https://m.facebook.com/story.php?story_fbid=2661492060817189&id=100008692623509

¹⁰ <https://www.infobae.com/america/colombia/2021/06/27/el-era-cristhian-velez-el-joven-que-murio-por-un-cable-atravesado-cerca-al-portal- Americas/>

¹¹ Taken from SIAP of Campaign Defend Liberty an Issue of All

¹² Taken from SIAP of Campaign Defend Freedom an Issue of All

¹³ Taken from SIAP of Campaign Defend Freedom an Issue of All



tear gas, stun grenades, rubber bullets, blank weapons, and blows. People have also suffered respiratory ailments from the inhalation of tear gas. Some of these attacks have caused eye injuries, which have led to the total or partial loss of organs [eyes] or the sense of sight.

Eye injuries

1. **Unidentified person - June 18, 2021.** On June 18, 2021, at 11:30 pm in the locality of Suba in Bogotá, an unidentified person suffered an eye injury¹⁴.
2. **Unidentified person - June 21, 2021.** On June 21, 2021, in the Yomasa area, locality of Usme in Bogotá, an unidentified person was transferred to the San Ignacio Clinic with an eye injury¹⁵.
3. **Two (2) unidentified persons - June 28, 2021.** On June 28, 2021, at 8:50 pm in the municipality of Paipa, Boyacá, two (2) unidentified persons reported eye injuries, one of them with the anterior chamber of the eye completely altered, a completely dilated pupil, that could barely perceive light and with an apparent hemorrhage within the vitreous¹⁶.
4. **Anthony Jesus Ariza Hernández - June 28, 2021.** On June 28, 2021, at 8:55 pm in the city of Barranquilla, he suffered an eye injury 4 centimeters deep that compromised his right eye causing possible loss of the organ¹⁷.
5. **Kevin Larota - June 28, 2021.** On June 28, 2021, at 00:39 Kevin Larota in La Estancia, Ciudad Bolívar, Bogotá, suffered an eye injury and was taken to the Meisen Hospital¹⁸.

Gender-based violence

1. **Valeria Bonilla, trans woman - June 23, 2021.** On June 23, 2021 at 10:30 pm at the Americas Portal in the city of Bogotá, she was in a demonstration, when she was captured by the police, suffered physical violence and was later released¹⁹.
2. **Unidentified minor, fifteen (15) years old - June 28, 2021.** On June 28, 2021, in the vicinity of Parque Explora, in the city of Medellín, Antioquia, a minor under the age of fifteen (15) years was found crying. She claimed to have been sexually abused by ESMAD agents, and medical examinations confirmed violent carnal access. She had semen on her clothes at the time they found her²⁰.

Another one of the most complex elements are the attacks on women human rights defenders as they do the work of the Verification and Intervention Commissions -CVI- on the ground. 44

¹⁴ Taken from SIAP of Campaign Defend Freedom an Issue of All

¹⁵ Taken from SIAP of Campaign Defend Liberty an Issue of All

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<https://twitter.com/CospaccOficial/status/1409688706517069840?s=19>

¹⁷ Taken from SIAP of Campaign Defend Freedom an Issue of All

¹⁸ Taken from SIAP of Campaign Defend Freedom an Issue of All

¹⁹ Taken from SIAP of Campaign Defend Freedom an Issue of All

²⁰ https://www.facebook.com/watch/?v=161880802659106&extid=CL-UNK-UNK-UNK-AN_GK0T-GK1C



cases have been documented between June 16 and June 28, 2021, of which 19 have constituted acts of stigmatization, 23 personal injuries and one (1) threat of arbitrary detention:

1. **Human Rights Defender - June 16, 2021.** On June 16, 2021, in the Country Sur neighborhood of Bogotá, a defender was slandered and harassed by a police officer²¹.
2. **Human Rights Defender - June 17, 2021.** On June 17, 2021, in the Paso del Comercio sector of Cali, Valle del Cauca, a defender was injured in an attack by the police²².
3. **José Cuellar (Isaias Cifuentes Human Rights Network) - June 17, 2021.** On June 17, 2021 at 5:20 pm in the Calimío sector of Cali, Valle del Cauca, Cuellar was injured in the head by the impact of tear gas activated by the ESMAD. He suffered an intracranial fracture²³.
4. **María Eugenia Cuéllar (FNEB) - June 18, 2021.** On June 18, 2021, at the Americas Portal in the city of Bogotá, she was burned with tear gas in an attack by ESMAD²⁴.
5. **Santiago Murillo (Sur-renace) - June 19, 2021.** On June 19, 2021, a man on a motorcycle approached him, threatening that they wanted to see him in another march and questioning if something else was going to happen to him. Then [the aggressor] pounced on him, with a gun in his hand, but when a police motorcycle passed by an alert was raised. The police spoke with the man, then verified Santiago's human rights ID card and aggressively searched him²⁵.
6. **Human Rights Defenders (FCSPP) - June 21, 2021.** On June 21, 2021 in the locality of Usme, Bogotá, an ESMAD agent yelled at defenders who were shielding protesters throwing stones²⁶.
7. **Two (2) human rights defenders (RUDH and Front Line) - June 21, 2021.** On June 21, 2021 in the locality of Suba, Bogotá, a police officer threatened them and asked the CVI to withdraw from the area²⁷.
8. **Human Rights Defenders (RUDH) - June 21, 2021.** On June 21, 2021, at the Americas Portal of the city of Bogotá, a drone flew over and closely tracked the movements of human rights defenders monitored for several blocks²⁸.
9. **Human Rights Defenders (REDPAS) - June 21, 2021.** On June 21, 2021 in the locality of Usme, Bogotá, health brigades were subjected to accusations, threats and physical aggression together with human rights commissions²⁹.
10. **Human Rights Defenders (RUDH) - June 21, 2021.** On June 21, 2021, in the municipality of Soacha, Cundinamarca, police threatened defenders constantly and shot at them³⁰.

²¹ Taken from SIAP of Campaign Defend Freedom an Issue of All

²² Taken from SIAP of Campaign Defend Freedom an Issue of All

²³ Taken from SIAP of Campaign Defend Freedom an Issue of All

²⁴ Taken from SIAP of Campaign Defend Liberty an Issue of All

²⁵ Taken from SIAP of Campaign Defend Liberty an Issue of All

²⁶ Taken from SIAP of Campaign Defend Freedom an Issue of All

²⁷ Taken from SIAP of Campaign Defend Freedom An Issue of All

²⁸ Taken from SIAP from Campaign Defend Freedom an Issue for Everyone

²⁹ Taken from SIAP from Campaign Defend Freedom an Issue for Everyone

³⁰ Taken from SIAP from Campaign Defend Freedom an Issue for Everyone

- 11. Human Rights Defenders - June 21, 2021.** On June 21, 2021, in the locality of Suba, Bogotá, defenders were threatened by an ESMAD agent.
- 12. Nelson Enrique Lopera (Isaías Cifuentes Human Rights Network) - June 21, 2021.** On June 21, 2021 at 8:30 pm in the San Judas sector, Valle del Cauca Lopera began to make audiovisual records of abuses and attacks with firearms by ESMAD and the police against the protesters. He was approached by members of that institution who started to take him to an isolated area, where they beat him, took away his ID card and vest identifying him as a human rights defender, as well as his cell phone and personal briefcase³¹.
- 13. RUDH - June 23, 2021.** On June 23, 2021, at the Suba Portal in the city of Bogotá, an ESMAD agent harassed and threatened the CVIs on the ground. They were not allowed to approach an intervention point where some people were being locked up, they were accused of interfering in the procedure and threatened with legal action.
- 14. Human Rights Committee Alfredo Correa de Andrés - June 24, 2021.** On June 24, 2021, in the Rotunda of the 17th in the city of Barranquilla, Atlántico, the police did not allow a protest that had been convened to be held. They searched and registered health brigades and the Human Rights Committee³².

3) Situation of Afro and indigenous groups

For the Campaign Defend Freedom, an Issue for All, systematizing information with a differential lens has represented a challenge that we are on the way to addressing. Most of the cases that we have registered in our SIAP are reported by the CVIs on the ground, which, in situations of police violence, are unable to collect data on sexual orientation, indigenous communities or Afro communities. The timely collection of such information has proven difficult.

For this reason, in our database there are no people registered as part of black communities, and there are only a few cases of attacks on people from indigenous communities, of which the following are known:

- 1. Two (2) Misak indigenous women - June 12, 2021.** On June 12, 2021, while riding on a public bus on Calle 26, in Bogotá, they were harassed by the police. The agent said that [the women] could not ride on the bus because "people like her" were causing disturbances³³.
- 2. Embera indigenous woman - June 12, 2021.** On June 12, 2021, in Chía, Cundinamarca, [an indigenous woman] was detained, and treated in a discriminatory way by the police. They did not provide a translator to allow the woman to understand the her situation and defend herself³⁴.

³¹ Taken from SIAP of Campaign Defend Freedom An Issue of All

³² Taken from SIAP of Campaign Defender Liberty an Ace All of them

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<https://twitter.com/alejamilerr/status/1403556311279804417>

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These aggressions were marked by clear acts of discrimination against the indigenous population, who in previous weeks had brought down some statues that alluded to the colonization processes in Latin America, with the political purpose of decolonizing thought and giving new meaning to [re-signifying] territories.

4) Lack of protection for social leaders

Colombia is one of the most dangerous countries for the exercise of the defense of human rights. So far in 2021 alone, **83 social leaders and human rights defenders have been assassinated**³⁵ and more than 180 aggressions have been observed, including threats, assaults, prosecutions and even forced disappearances. To these figures, however, must be added the increase in aggressions that has been registered in the context of the National Strike, which has been mentioned before, and the stigmatization which puts at risk the life and safety of different individual and collective actors of the social movement by attributing to them actions, coordination or destabilization plans connected with the strike.

An example of the stigmatization has been the publication of news in May of this year about the existence of intelligence reports that have warned since 2019 of the situation that the country is experiencing and that was only interrupted by the pandemic, presenting as interrelated in a single strategy the use of Afro-Colombian, indigenous, sexual dissidents, among others, to guerrilla groups, including opposition political parties and social organizations of all kinds³⁶. On the other hand, at the beginning of June there was another episode in which, after the visit of the first members of the International Solidarity and Human Rights Mission from Argentina, spokespersons of organizations such as Congreso de los Pueblos were linked to a destabilization plan in the region, to include the Colombian government³⁷.

This shows that being a social leader or human rights defender in Colombia is a risk factor and that murders and attacks against them occur in a systematic way. It also shows the political, economic and material insufficiency in the implementation of protection programs and the implementation of the Peace Agreement.

5) Forced disappearances

The detentions carried out within the framework of the National Strike have been carried out mostly by means of arbitrary practices, such as preventing the communication of detained persons with their families, with their loved ones and / or with their lawyers. They have been

<https://twitter.com/AbelDavidJara/status/1403892698285805571?s=19>

³⁵ <http://www.indepaz.org.co/lideres-sociales-y-defensores-de-derechos-humanos-asesinados-en-2021/>

³⁶ <https://www.semana.com/nacion/articulo/exclusivo-el-documento-de-inteligencia-que-advirtio-lo-que-se-estaba-viviendo-en-colombia/202157/>

³⁷

<https://www.wradio.com.co/news/current/con-audios-colombia-sustains-alleged-conspiracy-internacional-en-su-contra/20210604/nota/4140522.aspx>



prevented from using legal mechanisms, they have been subjected to personal distress and the anguish of their relatives, since in several cases the victims were subjected to abuse, mistreatment, torture and sexual violence.

The Working Group on Forced Disappearance received the reports of 471 people who were considered missing by their relatives or acquaintances, or who had been detained and the authorities refused to provide information on their status and whereabouts³⁸. Of these, the Working Group was able to learn that 92 people had already been located, but 379 are still missing and for them, [the Working Group] requested the immediate implementation of the Urgent Search Mechanism. Many of these persons were subsequently located and had not been captured. Many others had been detained [and] were subsequently released, under conditions that, according to the provisions of the International Convention against Enforced Disappearance of Persons and domestic legislation, met the elements of the crime such that these persons were disappeared, at least during the entire time they were detained in a state of illegal incommunicado detention with their loved ones and of uncertainty and anxiety about their fate and whereabouts, their exercise of legal actions to end this criminal activity having been impeded.

One of the cases of forced disappearance is that of Duván Felipe Barros Gómez, a 17-year-old young man whose whereabouts are unknown since June 5, 2021, the date on which he was protesting at Portal Américas in Bogotá. A friend of the young man has stated that Duván was detained by ESMAD and since then his whereabouts are unknown³⁹. Other evidence of forced disappearances are the testimonies of several young people in which they relate their arbitrary detentions by the security forces in the vicinity of the Americas Portal in Bogotá, and then how they were put on a truck without National Police insignia and were circling all around the city from Saturday night to Monday afternoon. These crimes of forced disappearance, even if they are presented for a limited time, constitute practices of torture and harassment, since several of the young people believed all the time that they were going to be murdered and disappeared,⁴⁰ generating strong psychosocial impacts.

6) Recommendations to Congress

- ★ Promote security and biosafety guarantees for the entire population to exercise their fundamental right to protest.
- ★ Promote respect for the life and integrity of women and those of diverse sexualities, whether or not in the context of social protest, [and] promptly initiate the respective criminal and / or disciplinary investigations of the multiple attacks.

³⁸ <https://coeuropa.org.co/471-personas-desaparecidos-en-las-movilizaciones-que-inimoniaon-el-28-de-abril-mesa-de-trabajo-sobre-desaparicion-forzada/>

³⁹

<https://www.wradio.com.co/noticias/bogota/duvan-was-not-of-the-first-line-nor-vandalo-mother-of-young-disappeared-in-bogota/20210624/nota/4146042.aspx>

⁴⁰

<https://ligacontraelsilencio.com/2021/06/23/missing-two-nights-inside-a-truck-the-police-terror-during-the-strike/>



- ★ Be agents of pressure for the National Government and local governments, so that they provide complete, timely and truthful information on cases of people injured, detained and disappeared in the context of the mobilizations to provide the required attention (medical, legal and psychosocial). And to clarify the appearance of murdered and dismembered people.
- ★ Demand that people in government positions cease stigmatization with hateful pronouncements and speeches, which confuse and hold responsible the social protest for violent acts presented in the country.
- ★ Be agents of pressure towards the National Government, so that it attends to the just demands of the population, which are not limited to the withdrawal and postponement of the tax reform bill, but concern issues of national importance such as health, decent food, employability, environmental justice and social justice.
- ★ Promote a structural reform of the National Police that includes the total dismantling of ESMAD and that engages the whole of society, academics, human rights organizations and movements of victims of the aggressions carried out by the police, among others. [A reform] which fosters a progressive and necessary transformation of a historically violent institution, at the service of war and not peace. It is urgent that we promote the construction of peace and non-violence as the pillars of a society that respects human rights, particularly the [right to] peaceful social protest of all citizens.